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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,208	10/19/1999	JAMES PRICE COFFIN IV	MASIMO.186A	5251

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EXAMINER	
LEE, SHUN K	

ART UNIT	PAPER NUMBER
2878	

DATE MAILED: 09/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/422,208	COFFIN, JAMES PRICE	
	Examiner	Art Unit	
	Shun Lee	2878	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 August 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ they raise the issue of new matter (see Note below);
   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: _____.
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *8-24*.

   Claim(s) withdrawn from consideration: _____.
8. ☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

CONSTANTINE HANNAHER
PRIMARY EXAMINER
GROUP ART UNIT 2878

Continuation of 5. does NOT place the application in condition for allowance because: applicant argues that the molding process of Hill et al. does not need a mold inspection device and cites as support for this assertion column 13, line 62 to column 14, line 7. Examiner respectfully disagrees. Hill et al. states (column 13, line 62 to column 14, line 7) "The mold is opened by prying means, either manually or utilizing an instrument, and the IPN film is removed. External mold release agents, especially water-soluble mold release agents known in the art, may be utilized. Examples include such mold release agents as Frekote or Hysol Ac 4368, which may be applied to the surface of the mold to facilitate demolding. Alternatively, the inner surface of the mold may be lined with polyethylene. The polyethylene film is easily removed from the mold surface following injection of the molded elastomers. To help facilitate the release even further, the mold containing the polyethylene film is slightly heated to temperatures of 50 -70 C" The key word here is facilitate. Thus it is clear that Hill et al. teach that mold release agents or a polyethylene film may be applied to the mold surface to facilitate demolding. There is nothing within the cited passage to suggest that there is no possibility of incomplete separation of the molded article from the mold. Applicant then argues that there is no suggestion to combine the references. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Shibata et al. provides the motivation. Since Hill et al. does not teach that it is impossible for incomplete separation of the molded article from the mold to occur, one of ordinary skill in the art would look to Shibata et al. for an inspection device to ensure that incomplete separation of the molded article from the mold is detected. Applicant further argues that the combination of Hill et al., Neefe, and Shibata et al. fails to suggest a light source used to cause emissions from the fluorescent colorant in the work piece. Examiner respectfully disagrees. Hill et al. disclose it is known in the art (as exemplified by Neefe; column 2, line 66 to column 3, line 3) to incorporate a fluorescent colored pigment with the IPN material in order to obtain identifiable lens material. Hill et al. also disclose that Neefe teaches inspection of a workpiece containing a fluorescent colorant (column 2, line 66 to column 3, line 3). Neefe teaches (column 2, lines 22-27) directing a first light of a wavelength not visible to humans toward a workpiece with sufficient energy to cause the fluorescent colorant in the workpiece to emit a second light of a wavelength visible to humans. Shibata et al. teach examining a product with an optical testing device (see Fig. 1; column 1, lines 15-18) which is responsive to the luminance from a product (column 7, lines 3-8) in order to determine if there is incomplete separation of the molded article from the injection mold (column 1, lines 8-18). Therefore it would have been obvious to one having ordinary skill in the art to provide a light source directing a first light toward the fluorescent colorant and an inspection device responsive to luminance which comprises of the second light from the fluorescent colorant in the system of Hill et al., in order to determine if there is incomplete separation of the molded article from the injection mold as taught by Shibata et al.